

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL GREGG and)
BRIDGETT BENDYK,)
Plaintiffs,)
vs.) Case No. 4:20-cv-766 RLW
B&G TRANSPORTATION, LLC d/b/a)
B&G TRANSPORTATION, LLC)
and BRADLEY OLSON,)
Defendants.)

DEFENDANTS B&G TRANSPORTATION, LLC, AND BRADLEY OLSON'S
MOTION TO QUASH PLAINTIFF BRIDGETT BENDYK'S SECOND
AMENDED NOTICE OF DEPOSITION AND SUBPOENA DUCES TECUM
DIRECTED TO MARSHALL INVESTIGATIVE GROUP

COME NOW Defendants, B& G Transportation, LLC, and Bradley Olson, by and through their undersigned counsel, and pursuant to Federal Rule of Civil Procedure 45(d)(3), files their Motion to Quash Plaintiff Bendyk's Second Amended Notice of Deposition and Subpoena *Duces Tecum* and its Memorandum in Support as follows:

1. On March 25, 2021, Plaintiff Bendyk provided Defendants with Plaintiff's Second Amended Notice of Deposition and Subpoena Duces Tecum directed to Marshall Investigative Group ("Marshall"). See Second Amended Notice of Deposition, attached herein as **Exhibit A.**
2. Plaintiff's Second Amended Notice and Subpoena are virtually identical to the last two Notices and Subpoenas sent to Marshall. The only difference is the date.
3. Plaintiff is requesting the same information requested in the first Notice of Deposition and Subpoena. See Motion to Quash and Exhibits A-C, Doc #38.
4. Plaintiff has requested:

(1) all written correspondence exchanged between Great West Casualty Company and Marshall pertaining to Bendyk and/or Plaintiff Michael Gregg; (2) all written correspondence exchanged between Great West and Marshall pertaining to File Number Q18991; (3) all invoices pertaining to File Number Q18991; (4) all internal written correspondence pertaining to File Number Q18991; and (6) all payments received by Marshall Investigative Group from Great West Casualty Company in the last five years pertaining to investigation of personal injury claims.

See Doc #38, Ex A

5. These requests are protected by the work product doctrine, not relevant to any claim or defense in this case, and the information requested is inadmissible at trial. Plaintiff is not entitled to: written correspondence pertaining to Plaintiff Michael Gregg, invoices pertaining to Marshall's investigation of Plaintiffs, internal written correspondence, and/or all payments received by Marshall from Great West Casualty Company in the last five years.

6. Marshall should not be forced to disclose protected communications to satisfy Plaintiff's counsel's curiosities. The information sought cannot possibly lead to the discovery of admissible evidence since the business relationship between Marshall and the insurance carrier involved in this case has no bearing whatsoever on the issues presented.

7. Defendants incorporate by reference their previous Motions to Quash, as if fully stated herein. See Doc ## 38, 45, 46, including all Exhibits.

8. For good cause and in the interest of justice, the Second Amended Notice of Deposition and underlying subpoena *duces tecum* should be quashed in their entirety, and the Court should enter a protective order regarding any additional discovery of this nature.

WHEREFORE Defendants B&G Transportation, LLC and Bradley Olson respectfully pray this Court enter an Order quashing Plaintiff Bendyk's Second Amended Notice of Deposition and Subpoena *Duces Tecum* to Marshall Investigative Group or in the alternative grant a Protective Order limiting the scope, and for such further relief the Court deems just and proper under the circumstances.

Respectfully submitted,

ROBERTS PERRYMAN, P.C.

/s/ Ted L. Perryman

Ted L. Perryman, #28410MO
Korissa M. Zickrick, #56069MO
Brandy Johnson, #71951MO
1034 S. Brentwood, #2100
St. Louis, Missouri 63117
(314) 421-1850 Telephone
(314) 421-4346 Fax
tperryman@robertsperryman.com
kzickrick@robertsperryman.com
bjohnson@robertsperryman.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been filed upon the court's electronic filing system this 15th day of April 2021 to:

John G. Simon
John M. Simon
Megan A. Crowe
THE SIMON LAW FIRM, P.C.

800 Market Street, #1700
St. Louis, Missouri 63101
P: (314) 241-2929
F: (314) 241-2020

jsimon@simonlawpc.com
jmsimon@simonlawpc.com
mcrowe@simonlawpc.com

Attorneys for Plaintiff Bridgett Bendyk

Douglas P. Dowd
Paul G. Lane
Kevin D. Lane
DOWD & DOWD, P.C.
211 North Broadway, #4050
St. Louis, Missouri 63102
P: (314) 621-2500
F: (314) 621-2503

doug@dowdlaw.net
paul@dowdlaw.net
kevin@dowdlaw.net

Attorneys for Plaintiff Michael Gregg

/s/T ed L. Perryman